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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,902	03/13/2002	Matti Salmi	944-001.064	3630

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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,902

Applicant(s)

SALMI ET AL.

Examiner

Asgar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/16/2006; 07/29/02, 07/23/02, 06/17/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

07/23/02; 06/17/02;

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahveci et al (U.S. 6,938,080 B1).

3. As per claims 1, 2, 18-21 Kahveci disclosed a data structure including a plurality of primitives, each primitive for at least temporary storage in a computer-readable medium at a client and in a computer readable medium at a server during transfer of said primitives over a network between the client and the server, wherein the data structure includes a get presence primitive provided from a client of a requesting user to a server to request presence information of a requested user, that the get presence primitive has various information elements including a requesting user identifier, a requested user identifier, and a list of presence values requested (col.11, lines 25-47),

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that the data structure includes a presence primitive provided from the server to the requesting user client to provide the presence information (col.11, lines 65-67 & col.12, lines 1-48), and that the presence primitive has various information elements including the requested user identifier and a list of presence values supplied (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14)

4. As per claims 22, 42 & 62 Kahveci disclosed presence information service management method for use by a server, comprising receiving presence authorization messages from users wherein said presence authorization messages are initiated by said users to pre-authorize access to selected presence information of said users (col.11, lines 65-67 & col.12, lines 1-48), receiving presence information update messages from updating users wherein said update messages are initiated by said updating users (col.26, lines 40-64), receiving presence information request messages from presence service requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on going responses including requested presence information are required (col.11, lines 25-47), determining if access to said requested presence information has been pre-authorized and, if not, requesting authorization from a requested user whose presence information has been requested, and if authorized or pre-authorized, and providing said requested presence information to which a response is expected to said requesting users requesting presence information to which a response is expected and providing requested presence

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information on an on-going basis to said subscribing users subscribing to presence information to which on-going responses are required, particularly after receiving said presence information update messages from said updating users (col.6, lines 30-39, col.9, lines 10-26, col.10, lines 5-14).

5. As per claims 6, 27 & 47 Kahveci disclosed the data structure of claim 1, wherein said presence information is classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities (col.5, lines 24-34 & col.6, lines 19-29).

6. As per claims 23 & 43 Kahveci disclosed the presence information service management method of claim 22, wherein each of said presence information request messages comprises a primitive having various mandatory information elements including a message identifier, a transaction identifier, and an identification of a requested user (col.5, lines 24-34 & col.6, lines 19-29).

7. As per claims 17, 24 & 44 Kahveci disclosed the presence information service management method of claim 23, wherein said primitive has at least one optional information element comprising a list of presence values requested (col.5, lines 24-34 & col.6, lines 19-29).

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8. As per claims 4, 25 & 45 Kahveci disclosed the presence information service management method of claim 22, wherein said step of requesting authorization from a requested user is carried out by means of an authorization message comprising a primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence values (col.5, lines 24-34 & col.6, lines 19-29).

9. A per claims 5, 8, 26 & 46 Kahveci disclosed the presence information service management method of claim 22 wherein presence information is authorized by means of said authorization messages from authorizing users each comprising an authorization primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence values (col.5, lines 24-34 & col.6, lines 19-29).

10. As per claims 3, 28 & 48 Kahveci disclosed the presence information service management method of claim 22, wherein a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to a whole buddy list, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access buddy list presence information (col.5, lines 24-34 & col.6, lines 19-29).

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11. As per claims 9-11, 13, 29 & 49 Kahveci disclosed the presence information service management method of claim 22, further comprising receiving join group primitives from member users joining a private user group, by presence primitives indicative of presence information of member users of said private user group to each member user upon joining said private user group but not after departing, and by providing group left primitives indicative of departed member users to remaining private user group member users upon receipt of leave group primitives indicative of said departing member users (col.5, lines 24-34 & col.6, lines 19-29).

12. As per claims 30 & 50 Kahveci disclosed the presence information service management method of claim 29, wherein member users are joined by said step of joining only if said join group message is preceded by a step of providing an invitation to join primitive to said joining member user (col.5, lines 24-34 & col.6, lines 19-29).

13. As per claims 12, 31 & 51 Kahveci disclosed the presence information service management method of claim 22, further comprising receiving a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the user creating the user group, identification of the member user creating the user group, and a list of member users of the user group, by reporting to the member users with a group information primitive indicative of establishment of the user group and selected group

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information, and by permitting member users of the user group to interchange message primitives (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

14. As per claims 32 & 52 Kahveci disclosed the method of claim 31, further comprising receiving a request for group information from a requesting member user, and reporting to the requesting member user with a group information primitive indicative of selected group information (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

15. As per claims 16, 33 & 53 Kahveci disclosed the method of claim 31, further comprising: receiving a request to modify said user group from a requesting member user, and reporting to the requesting member user with a group information primitive indicative of selected group information (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

16. As per claims 14, 34 & 54 Kahveci disclosed the method of claim 31, further comprising receiving a request to delete said user group from a requesting member user, and by reporting to the member users with a status primitive indicative of disestablishment of said user group (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

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17. As per claims 35 & 55 Kahveci disclosed the presence information service management method of claim 22, further comprising receiving a store content primitive from a storing user and storing any content conveyed in a content information element of said content primitive along with or according to information elements identifying said store content primitive, a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content (col.5, lines 24-34 & col.6, lines 19-29), providing a content information primitive to member users in said group having information elements identifying said content information primitive, said store transaction, and said header, receiving a get content information primitive from a retrieving user in said group having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and providing a receive content primitive to said retrieving user having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and having an information element containing shared content for storing among said member users (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

18. As per claims 36 & 56 Kahveci disclosed the method of claim 29, further comprising: receiving a delete content primitive from a deleting user having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and deleting said shared content (col.5, lines 24-34 & col.6, lines 19-29).

19. As per claims 37 & 57 Kahveci disclosed the presence information service management method of claim 22, further comprising: providing a content information primitive to a notified user from a server having information elements identifying said content information primitive, a store transaction, and a header (col.5, lines 24-34 & col.6, lines 19-29), receiving a get content information primitive from said notified user having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and providing a receive content primitive from said server to said notified client having information elements identifying said receive content primitive, said retrieval transaction, said header, and having an information element containing shared content (col.6, lines 30-39, col.9, lines 10-26 & col.10, lines 5-14).

20. As per claims 15, 38 & 58 Kahveci disclosed the method of claim 34 for adding to said shared content at said server by a storing user, further comprising: receiving a store content primitive at said server having content in an information element thereof for said adding to said shared content along with or according to information elements identifying said store content primitive, a store transaction, the storing user and a header (col.5, lines 24-34 & col.6, lines 19-29).

21. As per claims 39 & 59 Kahveci disclosed the method of claim 37 for deleting from said shared content at said server by a deleting user, further comprising: receiving a delete content primitive from said deleting user at said server, said primitive having

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information elements identifying said delete content primitive, a delete transaction, the deleting user and content for deletion (col.5, lines 24-34 & col.6, lines 19-29).

22. As per claims 8, 40 & 60 Kahveci disclosed the presence information service management method of claim 22, further comprising an exception management method for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, said exception management method comprising: providing a status primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure (col.5, lines 24-34 & col.6, lines 19-29).

23. As per claims 41 & 61 Kahveci disclosed the method of claim 40, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure(col.8, lines 19-33).

24. As per claim 18 Kahveci disclosed a device having means for at least temporarily storing a data structure for transmission or reception, wherein said data structure is according to claim 1 (col.5, lines 24-34 & col.6, lines 19-29 & col.8, lines 19-33).

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25. As per claim 19 Kahveci disclosed a system having at least one server able to communicate with a plurality of devices, wherein a communication protocol is used between the at least one server and the plurality of devices with a data structure according to claim 1 (col.5, lines 24-34 & col.6, lines 19-29).

26. As per claim 20 Kahveci disclosed the system of claim 19, wherein said presence values have associated space and time information useable by said at least one server to modify said presence values or related presence values (col.5, lines 24-34 & col.6, lines 19-29).

27. As per claim 21 Kahveci disclosed the system of claim 20, wherein said presence values have a validity attribute associated to said space and time information (col.5, lines 24-34 & col.6, lines 19-29).

Response to Arguments

28. Applicant's arguments filed 08/28/2006 have been fully considered but they are not persuasive.

29. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d

194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

30. Applicant argued that Kahveci does not mention that the information provided by the RAN includes presence vales, such as reachability, personal, status, contact information and location.

31. As to applicant's argument Kahveci clearly discloses that CPE-RAN sends a registration request to the "Managed Packet Backbone Server" (MPBS-RAN), which contains the profile of the CPE-RAN. The profile includes the address of the CPE RAN (contact information) and the capabilities of the CPE RAN. The capabilities include, but not limited to, the bandwidth that the CPE RAN can support, the network connections that the CPE RAN can support, the application the CPE RAN can support (client capabilities) (please see col.11, lines 25-47).

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32. As per claim 22 applicant argued that Kahveci does not disclose server being able to obtain authorization information before from a requested user for transferring presence information from the requested user to the requesting user.

33. As to applicant's argument Kahveci discloses that MPBS RAN acts as a service broker between the CPE RAN and the ASP. Kahveci further disclosed that CPERAN sends a session request to the MPBS RAN. MPBS RAN then validates the authentication key which was sent in the session request. If the key is invalid the session is terminated. If the key is valid the then the MPBS RAN determines whether the requested service can be provided between the requesting CPE and the requested ASP RAN. MPBS RAN determined this by accessing the RAN profiles of the CPE and ASP in question. (Col.11, lines 65-67 & col.12, lines 1-48).

34. **For clarification purposes only:** The examiner considered the explanation defined by the applicant in the application (10/099902) specification (page 42, lines 1-12) has listed the suggested classes of "presence values" that are being used in the independent and dependent claims. Although none of this information about the classes is cited in the claims. The examiner has used a prior art Armstrong that discloses some of the novel "presence values" as claimed by the applicant on page 42 of the specification.

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35. Amstrong (U.S PUB No 2004/0039779 A1) states the system can provide information concerning the location, availability, contact information and status of an end user (please see paragraph 117).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

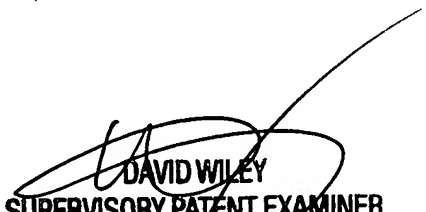
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100